

Proponent Testimony for HB13 - 134th Ohio General Assembly
Justin Fiorille
April 13, 2021

Chairman Wilkin, Vice Chair White, Ranking Member Sweeney, and members of the House Government Oversight Committee,

Thank you for considering my testimony on House Bill 13, the Light of Day Bill. My name is Justin Fiorille and I live in Mantua, which is in Representative Grendell's district 76. I'm an engineer, not a lawyer or lawmaker, but I believe I understand the changes that this bill makes and I support it.

First I want to present some background information I have found in case it hasn't been mentioned in discussions on this topic yet. The *Citizens United v. FEC* case was decided on January 21, 2010. Several months later on September 2, 2010, the Ohio Elections Commission published advisory opinion 2010ELC-02 which was a direct response to the Supreme Court's ruling. This document is only two pages long and I believe it is worth your time to review it if possible. It asked the question, "What is the application of Ohio Revised Code §3517.105 and §3599.03 in light of the United States Supreme Court decision in *Citizens United v. FEC*, 130 S.Ct. 876 (2010)?" In short, the answer is that due to the federal government's judicial decision, significant portions of those long standing Ohio campaign finance laws could no longer be enforced. To my best understanding, we have been in that position for the past eleven years. A notable statement from this opinion that is applicable to the transparency goals of HB13 reads, "While there is no specific obligation currently in Ohio law, the Commission would encourage any corporation that desires to involve itself in the partisan political arena as allowed by the Court's decision, to file a statement that reflects this activity with the appropriate filing office ... Such a filing would manifest the foundation of Ohio's campaign finance laws: public disclosure." I am extremely doubtful that this suggestion for voluntary disclosure has been heeded.

Second, it is worth noting that regarding *Citizens United v. FEC*, the [Opinion of the Court](#) delivered by Justice Kennedy addresses disclosure in detail. A notable statement that is helpful when considering HB13 reads, "The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages." This implies that transparency laws are constitutional and desirable. I have heard it suggested that this Opinion of the Court insinuates that Congress should have then passed stronger transparency laws, but none have yet been passed. Whether Congress is willing to take action against dark money or not, I believe that Ohio absolutely needs to take a strong stance in favor of greater transparency. Justice Scalia said it well in his [Concurrence](#) of *Doe v. Reed* in June of 2010, "For my part, I do not look forward to a society which, thanks to the Supreme Court, campaigns (are) ... hidden from public scrutiny and protected from the accountability of criticism. This does not resemble the Home of the Brave."

These days the phrase “follow the money” is extremely familiar to nearly everybody. Whether somebody is in elected office and fluent with running a campaign or they are just a regular person not closely engaged in politics, it is obvious to us that money plays an influential role in elections and thus in public policy making. Money is power. The exchange of money in the private sector and between individuals is their private matter, but when money is exchanged in regards to our public elections, I believe making that exchange public is necessary. Many Ohio legislators know first hand what it is like to have dark money spent against you, often in dirty and misleading ads. I’ve also heard complaints from legislators saying that dark money was spent in favor of them, but in a dirty way which goes against the type of campaign they would prefer to be supported by. The trust that Ohio citizens have for our state government recently is in need of repair, and without transparency in the source of donations I don’t see how that trust can improve.

I will conclude by admitting that I think this bill is good but we need to do more beyond it. Many of you know me for my volunteer advocacy on the Free and Fair Elections Resolution, which intends to achieve a 28th Amendment to the US Constitution on campaign finance reform. If we had this amendment already, it is very likely that Ohio would be able to retain control over our own laws and the Ohio Elections Commission would not have needed to declare our longstanding laws unenforceable. Other states are dealing with this federal overreach as well. In the [March 25](#) sponsor testimony for this bill, it was mentioned that while this transparency bill is good, there are additional fixes at the federal level that would be required to go further. That is exactly my position and I completely agree. I respectfully ask that you support this bill with a favorable vote now, and going forward also support efforts towards a campaign finance reform amendment to the Constitution. Getting active with state politics over the past few years has given me more faith in the power of the state governments. You have far better responsiveness to the will of the people than any federal official I’ve tried communicating with, and I believe that the reforms necessary to maintain a properly representative government will come from the States.

Thank you for your time and please vote yes on House Bill 13.

Sincerely,

Justin Fiorille
Mantua, OH